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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,088	10/03/2003	Marcus K. Williams	MARCUS#1	3534

7590 01/26/2007

W. Edward Johansen
11661 San Vicente Boulevard
Los Angeles, CA 90049

EXAMINER	
HALE, GLORIA M	
ART UNIT	PAPER NUMBER
3765	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

MT

Office Action Summary	Application No.	Applicant(s)	
	10/679,088	WILLIAMS, MARCUS K.	
	Examiner	Art Unit	
	Gloria Hale	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 November 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because the reference to abrasion and injury locations does not describe pad and pocket locations but only the types of injuries and should not be included in the body location list. If applicant desired to claim pocket and pad locations as covering those areas they should be positively claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sessoms (US 5,388,271) in view of Ross (US 5,134,726) and McGee (Us 4,089,065).

Sessoms discloses an upper torso shirt garment with arm portions and a plurality of protective pads. However, Sessoms does not disclose a lower torso padded garment portion. Ross discloses a padded pair of spandex undergarment pants (1). (See Ross, col. 2, line 24) with a plurality of internal pockets (22,25,26,30 and 31) and protective pads (28 and 34) for insertion within the pockets therein. (See Ross, figures 1-3; col. 2, lines 37-62). However, Sessoms and Ross do not specifically disclose the pant garments to cover the entire body of the wearer as being integral. Mc Gee discloses constructing an integral padded protective garment to protect the entire body of a wearer from athletic activities and falls or to wear the garments as separate shirts,

jackets or pants as desired. (See McGee, col. 3, lines 15-21 and col. 1). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the garments of Sessoms and Ross to construct them in an integral jumpsuit form as taught by McGee since it is well kwon to construct garnet components into one integral garment for ease in donning and doffing the garment and so that the garment is secured onto the wearer during sports activities. McGee is only relied up for the one piece garment construction and not the material specifics of the garment.

Response to Arguments

Applicant's arguments filed 11-3-06 have been fully considered but they are not persuasive. Applicant has admitted in their remarks that the Ross and Sessoms upper and lower garment components are similar to that which he has claimed in claim 1. The McGee patent is only relied upon for its one piece construction and not for the material specifics of the garment. Mc Gee teaches combining upper and lower components into a one piece integral garment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the components of Ross and Sessoms into a one piece garment as taught by McGee. The placement of the pads and pocket locations has not been positively claimed. Only injury locations have been claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Tues.-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gloria Hale
Primary Examiner
Art Unit 3765

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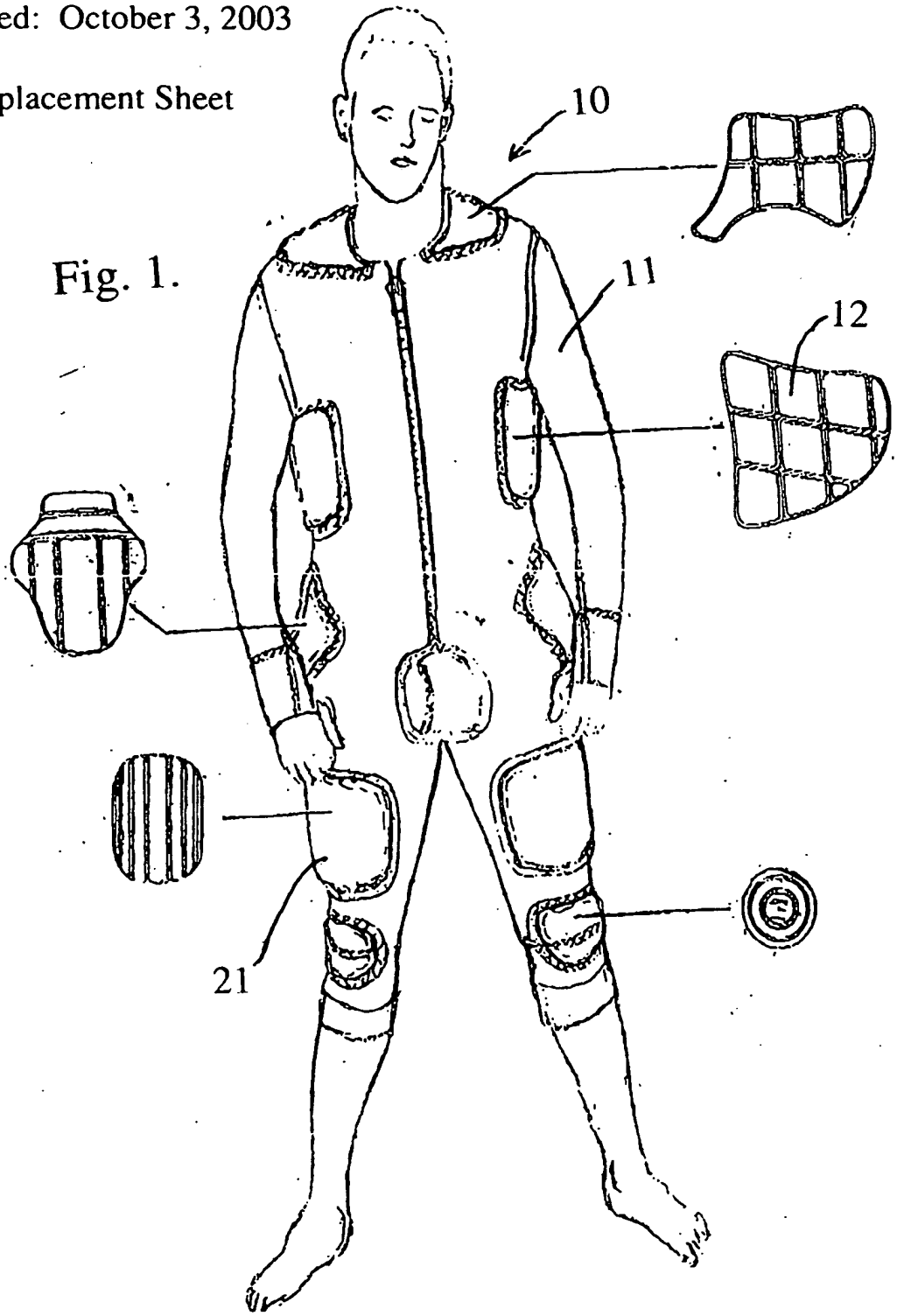
OIPE IAP10
NOV 09 2006
PATENT & TRADEMARK OFFICE

Marcus K. Williams
For: Protective undergarment for a football player
Serial No. 10/679,088
Filed: October 3, 2003

Replacement Sheet

Fig. 1.



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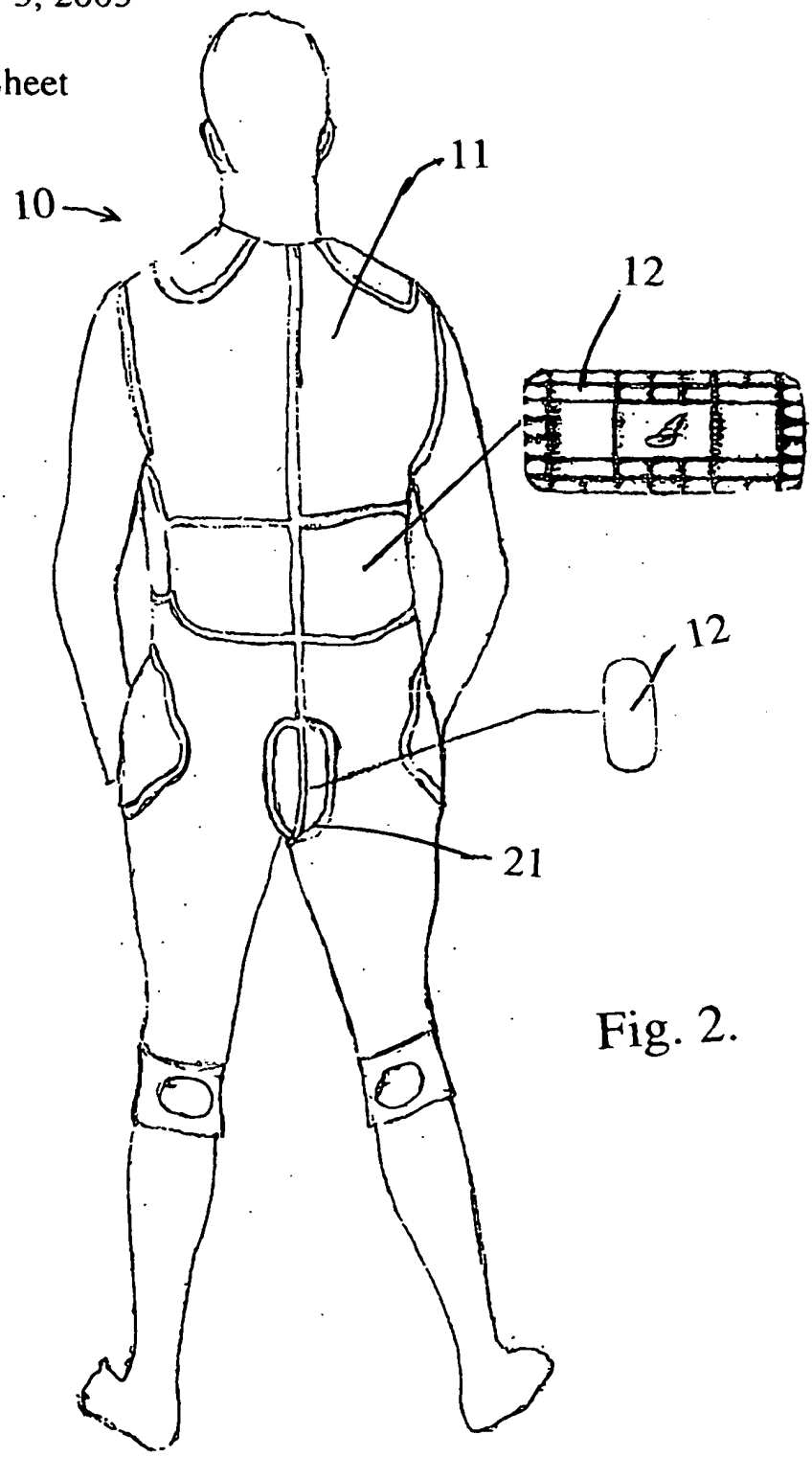

Fig. 2.

Replacement Sheet

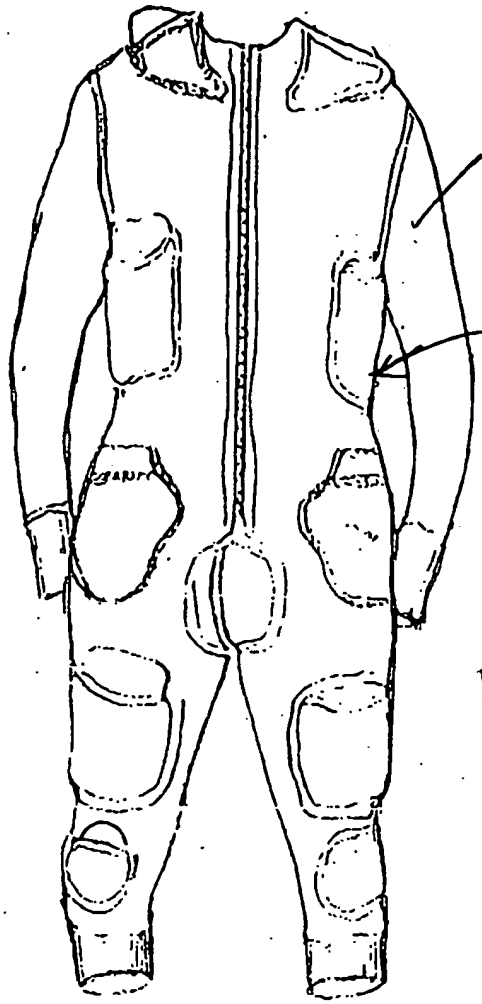

Fig. 3.

Fig. 4.